

Article 5. ENFORCEMENT PROVISIONS**80051 SERIOUS DEFICIENCIES****80051**

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- (a) The following are examples of regulations which if not complied with nearly always result in a serious deficiency.
- (1) Section 80010 relating to limitations on the capacity or ambulatory status of facility clients.
 - (2) Section 80019 relating to criminal record clearance.
 - (3) Section 80020 relating to fire clearance.
 - (4) Section 80021 relating to water supply.
 - (5) Section 80072 relating to client rights.
 - (6) Section 80073 relating to telephone service.
 - (7) Section 80075(h) through (j) relating to storing and dispensing medications.
 - (8) Section 80076 relating to food storage, preparation and service.
 - (9) Section 80087 relating to safety of client accommodations.
 - (10) Section 80088(e)(1), (2), and (3) relating to hot water temperature and toilet facilities.
 - (11) Section 80088(f) relating to storage and disposal of solid wastes.
 - (12) Any other regulation, the violation of which is deemed by the licensing agency to constitute a serious deficiency as defined in Section 80001s.(1).

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531 and 1534, Health and Safety Code.

80052 DEFICIENCIES IN COMPLIANCE**80052**

- (a) When a licensing evaluation is conducted and the evaluator determines that a deficiency exists the evaluator shall issue a notice of deficiency, unless the deficiency is not serious and is corrected during the visit.
- (b) Prior to completion of an evaluation or other licensing visit, the licensee, administrator, operator, or other person in charge of the facility shall meet with the evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency, and to acknowledge receipt of the notice of deficiency.
- (c) The evaluator shall provide notice of deficiency to the licensee by one of the following:
 - (1) Personal delivery to the licensee, at the completion of the visit.
 - (2) If the licensee is not at the facility site, leaving the notice with the person in charge of the facility at the completion of the visit.
 - (A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.
 - (3) If the licensee or the person in charge of the facility refuses to accept the notice, a notation of the refusal shall be written on the notice and a copy left at the facility.
 - (A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.

80052 DEFICIENCIES IN COMPLIANCE (Continued)**80052**

(d) The notice of deficiency shall be in writing and shall include the following:

- (1) Citation of the statute or regulation which has been violated.
- (2) A description of the nature of the deficiency stating the manner in which the licensee failed to comply with a specified statute or regulation, and the particular place or area of the facility in which it occurred.
- (3) The plan developed, as specified in (b) above, for correcting each deficiency.

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(A) Section 1522(c) of the Health and Safety Code provides in part:

Fingerprints not submitted to the Department of Justice, as required in this section, shall result in the citation of a deficiency and the fingerprints shall then be submitted to the California Department of Social Services for processing.

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80052 DEFICIENCIES IN COMPLIANCE (Continued)**80052**

- (4) A date by which each deficiency shall be corrected.
- (A) In determining the date for correcting a deficiency, the evaluator shall consider the following factors:
1. The potential hazard presented by the deficiency.
 2. The number of clients affected.
 3. The availability of equipment or personnel necessary to correct the deficiency.
 4. The estimated time necessary for delivery, and for any installation, of necessary equipment.
- (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days.
- (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify the corrective actions which must be taken within 30 calendar days to begin correction.
- (D) The evaluator shall require correction of the deficiency within 24 hours and shall specify on the notice the date by which the correction must be made whenever penalties are assessed pursuant to Sections 80054(c), (d) and (e).
- (5) The amount of penalty being assessed and the date the penalty begins.
- (6) The address and telephone number of the licensing office responsible for reviewing notices of deficiencies for the area in which the facility is located.

NOTE: Authority cited: Section 1530 and 1548, Health and Safety Code. Reference: Section 1534 and 1548, Health and Safety Code.

80053 FOLLOW-UP VISITS TO DETERMINE COMPLIANCE**80053**

- (a) A follow-up visit shall be conducted to determine compliance with the plan of correction specified in the notice of deficiency.
 - (1) At a minimum, a follow-up visit shall be conducted within ten working days following the dates of corrections specified in the notice of deficiency, unless the licensee has demonstrated that the deficiency was corrected as required.
 - (2) No penalty shall be assessed unless a follow-up visit is conducted as specified in (a) and (a)(1) above.
- (b) If a follow-up visit indicates that a deficiency was not corrected on or before the date specified in the notice of deficiency, the evaluator shall issue a notice of penalty.
- (c) A notice of penalty shall be in writing and shall include:
 - (1) The amount of penalty assessed, and the date the payment is due.
 - (2) The name and address of the agency responsible for collection of the penalty.
- (d) When an immediate penalty has been assessed pursuant to Sections 80054(c), (d), (e) and (f) and correction is made when the evaluator is present, a follow-up visit is not required.

NOTE: Authority cited: Section 1530 and 1548, Health and Safety Code. Reference: Sections 1533, 1534 and 1548, Health and Safety Code.

80054 PENALTIES**80054**

- (a) A penalty of \$25 per day shall be assessed for deficiencies, other than serious deficiencies, are not corrected by the date specified in the notice of deficiency.
- (b) A penalty of \$50 per day shall be assessed for serious deficiencies that are not corrected by the date specified in the notice of deficiency.
- (c) Notwithstanding (a) and (b) above, an immediate penalty of \$150 per day shall be assessed for any of the following:
 - (1) Sickness, injury or death of a client has occurred as a result of the deficiency.

80054 PENALTIES (Continued)**80054**

- (d) When a facility is cited for a deficiency and repeats the same violation within a 12-month period, an immediate penalty assessment of \$150 and \$50 per day thereafter shall be assessed until the deficiency is corrected.
- (e) A deficiency subject to the immediate penalty assessment in Section 80054(d) above which is repeated within a 12-month period of the initial deficiency citation shall be cited and assessed an immediate penalty of \$150 and \$150 per day thereafter until the deficiency is corrected.
- (f) If any deficiency is not corrected by the date specified in the notice of deficiency, a penalty shall be assessed for each day following that date until compliance has been demonstrated.
 - (1) Immediate penalty assessment as specified in (c), (d) and (e) above, shall begin on the day the deficiency is cited.
- (g) If a licensee or his/her representative reports to the licensing agency that a deficiency has been corrected, the penalty shall cease as of the day the licensing agency receives notification that the correction was made.
 - (1) If the deficiency has not been corrected, civil penalties shall continue to accrue from the date of the original citation.
 - (2) If it can be verified that the correction was made prior to the date of notification, the penalty shall cease as of that earlier date.
- (h) If necessary, a site visit shall be made immediately or within five working days to confirm deficiency has been corrected.
- (i) If an immediate civil penalty is assessed, and the deficiency is corrected on the same day, the penalty shall still be assessed for that day.
- (j) All penalties shall be due and payable upon receipt of notice for payment from the licensing agency, and shall be paid only by check or money order made payable to the agency indicated in the notice.
- (k) The licensing agency shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (j) above.

NOTE: Authority cited: Section 1530 and 1548, Health and Safety Code. Reference: Section 1534 and 1548, Health and Safety Code.

80055 ADMINISTRATIVE REVIEW**80055**

- (a) A licensee or his/her representative shall have the right to request a review of a notice of deficiency and/or notice of penalty within 10 working days of receipt of such notice(s).
 - (1) If the deficiency has not been corrected, civil penalties shall continue to accrue during the review process.
- (b) The review shall be conducted by a higher level staff person than the evaluator who issued the notice(s).
- (c) If the reviewer determines that a notice of deficiency or notice of penalty was not issued or assessed in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, he/she shall have the authority to amend or dismiss the notice.
- (d) The reviewer shall have the authority to extend the date specified for correction of a deficiency if warranted by the facts or circumstances presented to support a request for extension.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1534, Health and Safety Code.

80056 EXEMPTION FROM CIVIL PENALTIES**80056**

- (a) Civil penalties shall not be assessed against any governmental entity, including a state, or city, holding a community care facility license.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1534, Health and Safety Code.

80058 UNLICENSED FACILITY PENALTIES**80058**

- (a) A penalty of \$200 per day shall be assessed for the operation of an unlicensed facility under either of the following conditions:
- (1) The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of Law pursuant to Section 80006, and continues to operate.
 - (A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 80018.
 - (B) The completed application shall be deemed to be submitted when received by the licensing agency.
 - (2) Unlicensed operation continues after denial of the initial application.
 - (A) Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.
- (b) The \$200 per day penalty shall be assessed for the continued operation of an unlicensed facility as follows:
- (1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law, and has not submitted a completed application as required.
 - (A) The \$200 per day penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 80058(a)(1)(A) and (B).
 - (2) Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.

80058 UNLICENSED FACILITY PENALTIES (Continued)**80058**

- (A) The \$200 per day penalty shall continue until the operator ceases operation.
- (c) If the unlicensed operator or his/her representative reports to the licensing agency that unlicensed operation, as defined in Section 1503.5 of the Health and Safety Code, has ceased, the penalty shall cease as of the day the licensing agency receives the notification.
- (1) A site visit shall be made immediately or within five working days to verify that the unlicensed facility operation has ceased.
- (2) Notwithstanding (c) above, if the unlicensed facility operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.
- (d) All penalties shall be due and payable upon receipt of the Notice for Payment from the licensing agency, and shall be paid by check or money order made payable to the agency indicated in the notice.
- (e) The licensing agency shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (d) above.

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- (f) Payment of civil penalties or application for licensure in response to a citation under this section do not permit the operation of a community care facility without a license.
- (1) Section 1508 of the Health and Safety Code provides in part:
- No person, firm, partnership, association, or corporation within the state and no state or local public agency shall operate, establish, manage, conduct, or maintain a community care facility in this state, without a current valid license therefor as provided in this chapter.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1503.5, 1508, 1520, 1533, 1538, 1540, 1540.1, 1541, 1547, and 1549, Health and Safety Code.

80059 UNLICENSED FACILITY ADMINISTRATIVE APPEAL**80059**

- (a) An unlicensed facility operator or his/her representative shall have the right to appeal the penalty assessment within 10 working days after service of the penalty assessment.
 - (1) If the unlicensed facility operation has not ceased, the \$200 per day penalty shall continue to accrue during the appeal process.
- (b) The appeal review shall be conducted by a higher level staff person than the evaluator who issued the penalty.
- (c) If the reviewer of the appeal determines that the penalty assessment was not issued in accordance with applicable statutes and regulations of the Department, he/she shall have the authority to amend or dismiss the penalty assessment.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1503.5, 1508, 1547, and 1548, Health and Safety Code.

Article 6. CONTINUING REQUIREMENTS**80061 REPORTING REQUIREMENTS****80061**

- (a) Each licensee or applicant shall furnish to the licensing agency reports as required by the Department, including, but not limited to, those specified in this section.
- (b) Upon the occurrence, during the operation of the facility, of any of the events specified in (1) below, a report shall be made to the licensing agency within the agency's next working day during its normal business hours. In addition, a written report containing the information specified in (2) below shall be submitted to the licensing agency within seven days following the occurrence of such event.
 - (1) Events reported shall include the following:
 - (A) Death of any client from any cause.
 - (B) Any injury to any client which requires medical treatment.
 - (C) Any unusual incident or client absence which threatens the physical or emotional health or safety of any client.
 - (D) Any suspected physical or psychological abuse of any client.
 - (E) Epidemic outbreaks.
 - (F) Poisonings.
 - (G) Catastrophes.
 - (H) Fires or explosions which occur in or on the premises.
 - (2) Information provided shall include the following:
 - (A) Client's name, age, sex, and date of admission.
 - (B) Date and nature of event.
 - (C) Attending physician's name, findings, and treatment, if any.
 - (D) Disposition of the case.

80061 REPORTING REQUIREMENTS (Continued)**80061**

- (c) The items below shall be reported to the licensing agency within 10 working days following the occurrence.
- (1) The organizational changes specified in Section 80034(a)(2).
 - (2) Any change in the licensee's or applicant's mailing address.
 - (3) Any change of the chief executive officer of a corporation or association.
 - (A) Such notification shall include the new chief executive officer's name and address.
 - (B) Fingerprint cards shall be submitted as specified in Section 80019(c)(1).
 - (4) Any changes in the plan of operation which affect the services to clients.
- (d) The licensee shall notify the Department in writing within five (5) working days of the admission or initiation of care and services to any client who has a restricted condition specified in Section 80092. At a minimum the notice shall contain:
- (1) The client's name.
 - (2) The client's restricted condition(s).
 - (3) A signed statement from the client's physician that the client's condition is medically stable.
 - (4) A signed statement from the client's physician that the client does not require 24 hour medical supervision.
- (e) The items specified in (b)(1)(A) through (H) above shall also be reported to the client's authorized representative, if any.
- (f) The items specified in (b)(1)(E) through (G) above shall also be reported to the local health officer when appropriate pursuant to Title 17, California Administrative Code, Sections 2500, 2502 and 2503.

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- (1) Title 17, California Administrative Code, Section 2500 requires:

It shall be the duty of every physician, practitioner, dentist, coroner, every superintendent or manager of a dispensary, hospital, clinic, or any other person knowing of or in attendance on a case or suspected case of any of the following diseases or conditions, to notify the local health authority immediately. A standard type report form has been adopted and is available for this purpose.

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80061 REPORTING REQUIREMENTS (Continued)

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Amebiasis	Meningitis, Viral
Anthrax	Meningococcal Infections
Botulism	Mumps
Brucellosis (Undulant Fever)	Paratyphoid Fever, A, B and C
Chancroid	(See Salmonella infections)
Cholera	Pertussis (Whooping Cough)
Coccidioidomycosis	Plague
Conjunctivitis, Acute	Poliomyelitis, Paralytic
Infectious of the Newborn	Psittacosis
(Gonorrheal Ophthalmia,	Q Fever
Ophthalmia Neonatorum,)	Rabies, Human or Animal
and Babies' Sore Eyes in	Relapsing Fever
first 21 days of life)	Rheumatic Fever, Acute
Dengue	Rocky Mountain Spotted Fever
Diarrhea of the Newborn	Salmonella, Infectious
Diphtheria	(exclusive of Typhoid Fever)
Disorders Characterized by	Scarlet Fever
Lapses of Consciousness	Shigella Infections
Dysentery, Bacillary (See	Smallpox (Variola)
Shigella infections)	Streptococcal Infections,
Encephalitis, viral	hemolytic (including Scarlet
Food poisoning (other	Fever, and Streptococcal Sore
than Botulism)	Throat)
German Measles (Rubella)	Syphilis
Gonococcal Infections	Tetanus
Granuloma Inguinale	Trachoma
Hepatitis, Infectious (A)	Trichinosis
Hepatitis, Serum (B)	Tuberculosis
Hepatitis, unspecified	Tularemia
Hepatitis, Non-A, Non-B	Typhoid fever, cases and carriers
Leprosy (Hansen's Disease)	Typhus Fever
Leptospirosis (including	Viral Exanthem in Pregnant
Weil's Disease)	Women
Lymphogranuloma Venereum	Yellow Fever
(Lymphogranuloma Inguinale)	
Malaria	
Measles (Rubeola)	

For outbreak reporting and reporting of occurrence of unusual and rare diseases see Sections 2502 and 2503.

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80061 REPORTING REQUIREMENTS (Continued)**80061**

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- (2) Title 17, California Administrative Code, Section 2502 requires:

Any person having knowledge of any outbreak or undue prevalence of infectious or parasitic disease or infestation whether or not listed in Section 2500, shall promptly report the facts to the local health officer, who shall investigate the circumstances and if he finds that an epidemic or undue prevalence does in fact exist, he shall report the outbreak to the Director of the State Department of Health Services. The following are examples of diseases, outbreaks of which are to be so reported:

Epidemic Gastroenteritis (other than food poisoning)	Influenza, Epidemic Pneumonia, Infectious
Epidemic Keratoconjunctivitis	Ringworm
Fevers of unknown etiology	Staphylococcus Infections
Infectious Mononucleosis	

- (3) Title 17, California Administrative Code, Section 2503 requires:

Any person having knowledge of a case of an unusual disease not listed in Section 2500 shall promptly convey the facts to the local health officer. Examples are: glanders, herpangina, histoplasmosis, toxoplasmosis, echinococcosis, listeriosis, cat scratch fever, and rickettsialpox.

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- (g) The item specified in (b)(1)(H) shall also be reported immediately to the local fire authority. In areas not having organized fire services a report shall be made to the State Fire Marshal within 24 hours.
- (h) Licensees shall send copies of all substantiated complaints to parents, legal guardians, conservators, client rights advocates or placement agencies, as designated in each client's placement agreement in accordance with Health and Safety Code Section 1538.5.

80061 REPORTING REQUIREMENTS (Continued)

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- (1) Health and Safety Code Section 1538.5 requires in part:
- (a) Not less than 30 days prior to the expiration date of any residential community care facility license, except licensed foster family homes, the state department may, transmit a copy to the parents, legal guardians, conservators, client's rights advocate, or placement agency, as designated in each resident's placement agreement, of all notices sent to the facility by the state department during the term of the current license as a result of a substantiated complaint regarding a violation of any of the provisions of this chapter relating to resident abuse and neglect, food, sanitation, incidental medical care, and residential supervision. In the case of residential care facilities for the elderly, such notification shall only be given to the state ombudsman in the Department of Aging as well as the local ombudsman, if such exists. During that one-year period the copy of the notices transmitted and the proof of the transmittal shall be open for public inspection.
 - (b) Except in the case of residential care facilities for the elderly where such notifications shall be given to the state ombudsman in the Department of Aging, as well as the local ombudsman if such exists, the state department shall require that the facility operator, at the expense of the facility, transmit a copy of all substantiated complaints, by certified mail, to those persons described pursuant to subdivision (a) in the following cases:
 - (1) In the case of any substantiated complaint relating to resident physical or sexual abuse. The facility shall have three days, from the date the facility receives the citation from the state department to comply.
 - (2) In any case in which a facility has received three or more substantiated complaints relating to the same violation during the term of the current license.

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80061 REPORTING REQUIREMENTS (Continued)**80061**

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- (c) Each residential facility shall retain a copy of the notices transmitted pursuant to subdivision (b) and proof of their transmittal by certified mail for a period of one year after their transmittal.
- (d) If any residential facility to which this section applies fails to comply with the provisions of this section, as determined by the state department, the state department shall initiate civil penalty action against the facility in accordance with the provisions of Article 3 (commencing with Section 1530) and the rules and regulations.

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NOTE: Authority cited: Sections 1530 and 1538.5, Health and Safety Code. Reference: Sections 1501, 1507, 1531, and 1538.5, Health and Safety Code.

80062 FINANCES**80062**

- (a) The licensee shall meet the following financial requirements:
- (1) Development and maintenance of a financial plan which ensures resources necessary meet operating costs for care and supervision of clients.
 - (2) Maintenance of financial records.
 - (3) Submission of financial reports as required upon the written request of the department or licensing agency.
 - (A) Such request shall explain the necessity for disclosure.
 - (B) The licensing agency shall have the authority to reject any financial report, and to request and examine additional information including interim financial statements. The reason(s) for rejection of the report shall be in writing.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520 and 1531, Health and Safety Code.

80063 ACCOUNTABILITY**80063**

- (a) The licensee, whether an individual or other entity, is accountable for the general supervision of the licensed facility, and for the establishment of policies concerning its operation.
- (1) If the licensee is a corporation or an association, the governing body shall be active and functioning in order to ensure such accountability.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

80064 ADMINISTRATOR-QUALIFICATIONS AND DUTIES**80064**

- (a) The administrator shall have the following qualifications:
- (1) Attainment of at least 18 years of age.
 - (2) Knowledge of the requirements for providing the type of care and supervision needed by clients, including ability to communicate with such clients.
 - (3) Knowledge of and ability to comply with applicable law and regulation.
 - (4) Ability to maintain or supervise the maintenance of financial and other records.
 - (5) Ability to direct the work of others, when applicable.
 - (6) Ability to establish the facility's policy, program and budget.
 - (7) Ability to recruit, employ, train, and evaluate qualified staff, and to terminate employment of staff, if applicable to the facility.
- (b) Each licensee shall make provision for continuing operation and carrying out of the administrator's responsibilities during any absence of the administrator.
- (c) The licensee, if an individual, or any member of the governing board of the licensed corporation or association, shall be permitted to be the administrator provided that he/she meets the qualifications specified in this section, and in applicable regulations in Chapters 2 through 7.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

80065 PERSONNEL REQUIREMENTS**80065**

- (a) Facility personnel shall be competent to provide the services necessary to meet individual client needs and shall, at all times, be employed in numbers necessary to meet such needs.

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- (1) Section 1522(b)(2) of the Health and Safety Code provides:

Any person, other than a client, residing in the facility.

- (2) Section 1522(c)(3) of the Health and Safety Code provides in part:

Except for persons specified in paragraph (2) of subdivision (b), the licensee shall endeavor to ascertain the previous employment history of persons required to be fingerprinted under this subdivision.

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- (b) The licensing agency shall have the authority to require any licensee to provide additional staff whenever the licensing agency determines and documents that additional staff are required for the provision of services necessary to meet client needs. The licensee shall be informed in writing of the reasons for the licensing agency's determination. The following factors shall be taken into consideration in determining the need for additional staff.
- (1) Needs of the particular clients.
 - (2) Extent of the services provided by the facility.
 - (3) Physical arrangements of the particular facility.
 - (4) Existence of a state of emergency or disaster.
- (c) The licensee shall be permitted to utilize volunteers provided that such volunteers are supervised, and are not included in the facility staff plan.
- (d) The following facility personnel staff shall be at least 18 years of age:
- (1) Persons who supervise employees and/or volunteers.
 - (2) Persons, including volunteers, who provide any element of care and supervision to clients.

80065 PERSONNEL REQUIREMENTS (Continued)**80065**

- (e) The licensee shall provide for direct supervision of clients during participation in or presence at potentially dangerous activities or areas in the facility.
 - (1) An adult other than a client shall be present at all times while clients are using a pool or other body of water from which rescue requires the rescuer's ability to swim.
 - (2) Adults who supervise while clients are using a pool or other body of water from which rescue requires the rescuer's ability to swim, shall have a valid water safety certificate.
- (f) All personnel shall be given on-the-job training or shall have related experience which provides knowledge of and skill in the following areas, as appropriate to the job assigned and as evidenced by safe and effective job performance.
 - (1) Principles of nutrition, food preparation and storage and menu planning.
 - (2) Housekeeping and sanitation principles.
 - (3) Provision of client care and supervision, including communication.
 - (4) Assistance with prescribed medications which are self-administered.
 - (5) Recognition of early signs of illness and the need for professional assistance.
 - (6) Availability of community services and resources.
- (g) All personnel, including the licensee, administrator and volunteers, shall be in good health, and shall be physically, mentally, and occupationally capable of performing assigned tasks.
 - (1) Except as specified in (3) below, good physical health shall be verified by a health screening, including a test for tuberculosis, performed by or under the supervision of a physician not more than one year prior to or seven days after employment or licensure.

80065 PERSONNEL REQUIREMENTS (Continued)**80065**

- (2) A health screening report signed by the person performing such screening shall be made on each person specified above, and shall indicate the following:
 - (A) The person's physical qualifications to perform the duties to be assigned.
 - (B) The presence of any health condition that would create a hazard to the person, clients or other staff members.
- (3) The good physical health of each volunteer who works in the facility shall be verified by:
 - (A) A statement signed by each volunteer affirming that he/she is in good health.
 - (B) A test for tuberculosis performed not more than one year prior to or seven days after initial presence in the facility.
- (h) Personnel with evidence of physical illness that poses a threat to the health and safety of clients shall be relieved of their duties.
- (i) Pending receipt of a criminal record transcript as specified in Section 80019, and prior to employment or at initial presence in the facility all employees and volunteers determined by the licensing agency to require criminal record clearance shall sign a statement under penalty of perjury, on a form provided by the Department, which contains either of the following:
 - (1) A declaration that he/she has not been convicted of a crime, other than a minor traffic violation as specified in Section 80019(f).
 - (2) Information regarding any prior convictions of a crime, with the exception of any minor traffic violations as specified in Section 80019(f).
 - (A) If a person has been convicted of a crime other than a minor traffic violation as specified in Section 80019(f), he/she shall also acknowledge that his/her continued employment is conditioned on approval of the licensing agency.

80065 PERSONNEL REQUIREMENTS (Continued)**80065**

- (j) Clients shall not be used as substitutes for required staff but shall be permitted, as a voluntary part of their program of activities, to participate in household duties and other tasks suited to the client's needs and abilities.
 - (1) Such duties and tasks shall be specified in the client's needs and services plan as specified in Chapters 2, 4, 5 and 6.
- (k) When regular staff members are absent, there shall be coverage by personnel capable of performing assigned tasks as evidenced by on-the-job performance.
- (l) Personnel shall provide for the care and safety of persons without physical or verbal abuse, exploitation or prejudice.
- (m) All personnel shall be instructed to report observations or evidence of violations of any of the personal rights specified in Section 80072 and/or any of the personal rights provisions of Chapters 2 through 7.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 5453 and 5458, Welfare and Institutions Code; Sections 1501, 1502(a)(7), 1522, 1531 and 1562, Health and Safety Code; and Section 42001, Vehicle Code.

80066 PERSONNEL RECORDS**80066**

- (a) Employment application forms shall be completed and maintained on each employee; shall be available to the licensing agency for review, and shall contain the following information:
 - (1) Employee's full name.
 - (2) Driver's license number if the employee is to transport clients.
 - (3) Date of employment.
 - (4) A statement signed by the employee that he/she is at least 18 years of age.
 - (5) Home address and phone number.
 - (6) Documentation of the educational background, training and/or experience specified in Chapters 2 through 7.
 - (7) Past experience, including types of employment and former employers.
 - (8) Duties of the employee.
 - (9) Termination date if no longer employed by the facility.
- (b) All personnel including the licensee, administrator, employees and volunteers, shall have on file either the record of the health screening specified in Section 80065(g)(2), or the volunteer statement and a test for tuberculosis specified in Section 80065(g)(3).
- (c) All personnel records shall be retained for at least three years following termination of employment.
- (d) All records shall be maintained at the facility site.
 - (1) The licensee shall be permitted to retain such records in a central administrative location provided that they are readily available to the licensing agency at the facility site upon request.
- (e) In all cases, personnel records shall document the hours actually worked.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

80068 ADMISSION AGREEMENTS 80068

- (a) The licensee shall complete and maintain current individual written admission agreements with all clients or with their authorized representatives, if any.
- (b) Admission agreements shall specify the following:
 - (1) Basic services.
 - (2) Available optional services.
 - (3) Payment provisions, including the following:
 - (A) Basic rate.
 - (B) Optional services rates.
 - (C) Payor.
 - (D) Due date.
 - (E) Frequency of payment.
 - (4) Modification conditions, including requirement for provision of at least 30 calendar days prior written notice to the client or his/her authorized representative of any basic rate change.
 - (A) It shall be acceptable for agreements involving clients whose care is funded at government-prescribed rates to specify that the effective date of a government rate change shall be considered the effective date for basic service rate modifications and that no prior notice is necessary.
 - (5) Refund conditions.
 - (6) Right of the licensing agency to perform the duties authorized in Section 80044(b) and (c).
 - (7) Conditions under which the agreement may be terminated.
 - (A) The client's refusal to take medications prescribed by his/her physician shall be one of the conditions.

80068 **ADMISSION AGREEMENTS (Continued)****80068**

- (8) The facility's policy concerning family visits and other communication with clients, pursuant to Health and Safety Code Section 1512.

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- (A) Section 1512 of the Health and Safety Code provides that:

This policy shall be designed to encourage regular family involvement with the client and shall provide ample opportunities for family participation in activities at the facility.

HANDBOOK ENDS HERE

- (9) If the client has a restricted medical condition, as specified in Section 80092(c)(1-5), the admission agreement shall contain a statement that he/she agrees to comply with the individual health condition care plan developed for him/her as specified in Section 80069.1.
- (10) Licensees of adult day care facilities and adult day support centers, in addition to the above provisions, shall determine the following:
- (A) Days of scheduled attendance.
- (B) Transportation arrangements.
- (c) Such agreements shall be dated and signed by the client or his/her authorized representative and the licensee, or his/her designated representatives, no later than seven calendar days following admission.
- (d) Modifications to the original agreement shall be made whenever circumstances covered in the agreement change, and shall be dated and signed by the persons specified in (c) above.
- (e) The licensee shall retain the original copy of the agreement and shall provide copies to the client and to his/her authorized representative, if any.
- (f) The licensee shall comply with all terms and conditions set forth in the admission agreement.
- (g) The admission agreement shall be automatically terminated by the death of the client. No liability or debt shall accrue after the date of death.

80068 ADMISSION AGREEMENTS (Continued)**80068**

HANDBOOK BEGINS HERE

- (1) This does not preclude contractual arrangements such as life care contracts or payments ordered by a court of competent jurisdiction.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1512, and 1531, Health and Safety Code.

80068.2 NEEDS AND SERVICES PLAN**80068.2**

- (a) Prior to admission into an adult residential and social rehabilitation facility, the licensee shall determine the prospective client's suitability for admission. If the client is to be admitted, prior to admission the licensee shall develop a written individual needs and services plan.
 - (1) The licensee of a social rehabilitation facility shall develop a needs and services plan which complies with the requirements of Section 81068.2.
- (b) Prior to admission into an adult day care facility or adult day support center, the licensee shall determine the prospective client's suitability for admission. If the client is to be admitted, a written individual needs and services plan should be developed as follows:
 - (1) If the client relies on others to perform all activities of daily living, the needs and services plan shall be developed prior to admission.
 - (2) If the client has a restricted medical condition as specified in Section 80092, prior to admission the licensee shall document at a minimum the information required by Section 80069.1(a)(2)(A) through (5). This preadmission information may be supplied by any of the individuals specified in Section 80069.1(a)(1).
 - (3) If the client has no restricted health condition, the licensee shall complete the needs and services plan within 30 days following admission.
- (c) The individual needs and services plan shall contain, at a minimum, the following:
 - (1) The client's desires, obtained from the client and his/her authorized representative, if any.
 - (2) Specific medical service needs.
 - (3) Specific personal assistance needs.
 - (A) If the client requires protective supervision because of running/wandering away, care may be provided as specified in Section 80077.3.
 - (B) If the client relies on others for all activities of daily living, care may be provided only as specified in Section 80077.2.
 - (4) The licensee's plans for providing services or assistance to meet the individual client needs identified above by specifying the following:
 - (A) Objectives, within a time frame, which relate to the client's problems and/or needs.
 - (B) Plans for meeting the objectives.

80068.2 NEEDS AND SERVICES PLAN
(Continued)**80068.2**

- (C) Identification of those individuals and/or agencies responsible for implementing and evaluating each part of the plan.
 - (D) Method of evaluating progress.
- (5) If the client has a restricted health condition, an individual health condition care plan, as specified in Section 80069.1.
- (d) In developing the individual needs and services plan, the licensee and others involved in the plan development shall consider, at a minimum, the following:
 - (1) The written medical assessment, as specified in Section 80069.
 - (2) The written functional capabilities assessment, as specified in Section 80069.2.
 - (3) The written mental health assessment, if any, as specified in Section 80069.3.
 - (4) Any written needs appraisal or individual program plans completed by a placement agency or consultant.
- (e) The following persons shall be involved in the development of the needs and services plan:
 - (1) The client and his/her authorized representative, if any.
 - (2) Any relative participating in the placement.
 - (3) The placement or referral agency, if any.
 - (4) The licensee or person responsible for facility admissions.
- (f) The written needs and services plan shall be maintained in the client's file.
- (g) The licensee shall ensure that staff is adequate both in numbers and training to provide for the needs of all facility clients.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

80068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**80068.3**

- (a) The licensee shall update the written needs and services plan specified in Section 80068.2 as necessary to assure its accuracy and to document significant changes in the client's medical condition or functional capabilities. These modifications shall be maintained in the client's file.
 - (1) The license of a social rehabilitation facility shall update the needs and services plan as specified in Section 81068.3.
- (b) If modifications to the plan identify an individual client service need which the licensee is not meeting, the following requirements shall be met:
 - (1) The licensee shall consult with a dietitian, physician, social worker, psychologist, or other consultant, as necessary, to determine whether the licensee is able to meet the client's needs within the facility's program of services.
 - (2) If the licensee and consultant jointly determine that the client's needs can be met, they shall update the needs and services plan, specifying the new plans to meet the client's needs.
 - (3) If the licensee and consultant jointly determine that the client's needs cannot be met, the licensee shall inform the client, and his/her authorized representative, if any, and the placement agency, if any, and request that the client relocate to a facility that can provide the needed services.
 - (A) If the client refuses to relocate, the licensee may evict the client in accordance with Section 80068.5.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code.

80068.5 EVICTION PROCEDURES**80068.5**

- (a) Except for children's residential, adult day care facilities, and adult day support centers, the licensee may, upon thirty (30) days written notice to the client, evict the client only for one or more of the following reasons:
 - (1) Nonpayment of the rate for basic services within ten days of the due date.
 - (2) Failure of the client to comply with state or local law after receiving written notice of the alleged violation.

80068.5 EVICTION PROCEDURES
(Continued)**80068.5**

- (3) Failure of the client to comply with general facility policies that are documented in the facility admission agreement, and are for the purpose of making it possible for clients to live together.
 - (A) For a social rehabilitation facility, failure of the client to participate in the services and activities specified in the treatment/rehabilitation plan to the extent of his/her ability.
- (4) Inability to meet the client's needs.
 - (A) A needs and services plan modification must have been performed, as specified in Section 80068.3, which determined that the client's needs cannot be met by the facility and the client has been given the opportunity to relocate as specified in Section 80068.3(b)(3).
- (5) The client refuses to take medications prescribed by his/her physician.
- (6) Change of use of the facility.
- (b) The licensee shall obtain prior written approval from the Department to evict the client upon three (3) days written notice to quit and upon a finding of good cause.
 - (1) Good cause exists if the client engages in behavior which threatens the mental and/or physical health or safety of himself/herself or others in the facility.
 - (2) Failure of the Department to reply to the request for approval within two working days shall be considered approval.
- (c) The notice to quit shall state the reasons for the eviction, with specific facts supporting the reason for the eviction including the date, place, witnesses, and circumstances.
- (d) When serving the client with either a thirty (30) days or a three (3) days notice to quit, the licensee shall mail or fax a copy of the notice to the client's mental health professional, authorized representative and responsible person, as applicable, and to the Department.
- (e) The licensee shall mail or fax to the Department a copy of the 30-day written notice in accordance with (a) above within five days of giving the notice to the client.
- (f) Upon request of a client, or his/her authorized representative or responsible person, the Department shall investigate the reasons for the eviction pursuant to the provisions of Sections 1538 and 1569.35 of the Health and Safety Code.

80068.5 EVICTION PROCEDURES
(Continued)**80068.5**

- (g) Nothing in this section shall preclude the licensee or client from invoking any other available remedy.

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- (1) Such remedies include voluntary relocation, relocation by the client's authorized representative or responsible person, hospitalization for mental or physical conditions, and arrest.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502(a)(7), 1507, 1531, and 1770, et seq., Health and Safety Code.

80069 CLIENT MEDICAL ASSESSMENTS 80069

- (a) Except for licensees of adult residential and social rehabilitation facilities, prior to, or within 30 calendar days following the acceptance of a client, the licensee shall obtain a written medical assessment of the client which enables the licensee to determine his/her ability to provide necessary health related services to the client. The assessment shall be used in developing the needs and services plan.
 - (1) Such assessment shall be performed by, or under the supervision of, a licensed physician, or nurse practitioner and shall not be more than one year old when obtained.
- (b) In adult residential and social rehabilitation facilities, prior to accepting a client into care, the licensee shall obtain and keep on file documentation of the client's medical assessment.
 - (1) Such assessment shall be performed by, or under the supervision of, a licensed physician, or nurse practitioner and shall not be more than one year old when obtained.
- (c) The medical assessment shall include the following:
 - (1) The results of an examination for communicable tuberculosis and other contagious/infectious diseases.
 - (2) Identification of the client's special problems and needs.
 - (3) Identification of any prescribed medications being taken by the client.
 - (4) A determination of the client's ambulatory status, as defined by Section 80001n.(1).
 - (5) Identification of physical limitations, including any medically necessary diet limitations, to determine the client's capacity to participate in the licensee's program.
- (d) In addition to Section 80069(c), the medical assessment for adult CCFs shall include the following:
 - (1) A physical examination of the person, indicating the physician's primary diagnosis and secondary diagnosis, if any.
 - (2) Identification of other medical conditions, including those described in Section 80092 which are restricted and Section 80091, which would preclude care of the person by the licensee.
 - (3) Documentation of prior medical services and history.

80069 CLIENT MEDICAL ASSESSMENTS 80069
(Continued)

- (4) Current medical status including, but not limited to, height, weight, and blood pressure.
- (5) Identification of the client's needs as a result of any medical information contained in the report.
- (e) The licensing agency shall have the authority to require the licensee to obtain a current written medical assessment, if such an assessment is necessary to verify the appropriateness of a client's placement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, 1528, 1530, and 1531, Health and Safety Code.

80069.1 INDIVIDUAL HEALTH CONDITION CARE PLAN**80069.1**

- (a) If the licensee of an adult CCF chooses to care for a client with a restricted health condition, as specified in Section 80092, the licensee shall develop and maintain, as part of the needs and services plan, an individual health condition care plan which includes all of the following:
 - (1) Participation in the development of the plan by the client and the client's authorized representative, if any, the client's physician or nurse practitioner/registered nurse under the direction of the physician, and the placement agency, if any.
 - (2) Documentation by the client's physician of the following:
 - (A) Stability of the medical condition(s).
 - (B) Medical condition(s) which require services or procedures.
 - (C) Specific services needed.
 - (D) Who will provide the services needed.
 - (E) Client's ability to perform the procedure(s).
 - (3) Identification of a licensed professional who will perform procedures if the client needs medical assistance.
 - (4) Identification of the person(s) who will perform incidental medical assistance which does not require a licensed professional.

80069.1 INDIVIDUAL HEALTH CONDITION CARE PLAN
(Continued)**80069.1**

- (5) Name(s) and telephone number(s) of emergency medical contacts.
 - (6) A date specified by the client's physician when the plan must be reviewed by all parties identified in Section 80069.1(a)(1).
 - (7) A signed statement from the client's attending physician that the plan meets medical scope of practice requirements.
 - (8) For Regional Center clients, a signed statement from a Regional Center representative that they have reviewed and approved the plan and that the Regional Center will monitor implementation of the plan.
- (b) The individual health condition care plan shall neither require nor recommend that the licensee or any facility personnel or any other person providing care, other than a physician or licensed professional, implement any health care procedure which may legally be provided only by a physician or licensed professional.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, and 1530, Health and Safety Code.

80069.2 FUNCTIONAL CAPABILITIES ASSESSMENT**80069.2**

- (a) In order to determine his/her ability to provide the services needed by a client, the licensee of an adult CCF shall assess the client's need for personal assistance and care by determining his/her ability to perform specified activities of daily living. The assessment shall be in writing, shall be used in developing the needs and service plan, and shall include but not be limited to the following activities:
- (1) Bathing
 - (A) Does not bathe or shower self
 - (B) Performs some bathing or showering tasks
 - (C) Bathes or showers self independently

80069.2 FUNCTIONAL CAPABILITIES ASSESSMENT
(Continued)**80069.2**

- (2) Dressing and grooming
- (A) Does not dress self
 - (B) Puts on some clothing by self
 - (C) Dresses self completely
 - (D) Does not tend to own personal hygiene
 - (E) Tends to some personal hygiene tasks
 - (F) Tends to own personal hygiene
- (3) Toileting
- (A) Not toilet trained
 - (B) Does not toilet by self
 - (C) Goes to toilet by self
- (4) Transferring, Repositioning, and Wheelchair Mobility
- (A) Unable to move in and out of a bed or chair
 - (B) Is able to move in and out of a bed or chair
 - (C) Repositions from side to side
 - (D) Repositions from front to back and back to front
 - (E) Unable to sit without support
 - (F) Sits without support

80069.2 FUNCTIONAL CAPABILITIES ASSESSMENT
(Continued)**80069.2**

- (G) Needs assistance moving wheelchair
- (H) Moves wheelchair independently
- (I) Does not use wheelchair
- (5) Continence
 - (A) Use of assistive devices, such as a catheter
 - (B) No bowel and/or bladder control
 - (C) Some bowel and/or bladder control
 - (D) Complete bowel and/or bladder control
- (6) Eating
 - (A) Does not feed self
 - (B) Feeds self with assistance from another person
 - (C) Feeds self completely
- (b) Assessment of the client's need for assistance shall include consideration of his/her physical condition affecting participation in care decisions, including:
 - (1) Vision
 - (A) Severe/profound impairment
 - (B) Mild/moderate impairment
 - (C) No vision impairment

80069.2 FUNCTIONAL CAPABILITIES ASSESSMENT
(Continued)**80069.2**

- (2) Hearing
 - (A) Severe/profound loss
 - (B) Mild/moderate loss
 - (C) No hearing loss
 - (3) Communication
 - (A) Does not express nonverbally
 - (B) Does not express verbally
 - (C) Expresses by sounds or movements
 - (D) Expresses self well, both verbally and nonverbally
 - (4) Walking
 - (A) Does not walk
 - (B) Walks with support
 - (C) Walks well alone
 - (5) Medical history and problems
 - (6) Need for prescribed and non-prescribed medications
- (c) Assessment of the client's need for assistance and care shall include consideration of the following:
- (1) Mental and emotional conditions.
 - (A) If the client has a mental illness, a mental health assessment shall be prepared as specified in Section 80069.3.

80069.2 FUNCTIONAL CAPABILITIES ASSESSMENT
(Continued)**80069.2**

- (2) Socialization and cognitive status.
- (3) Propensity for behaviors that result in harm to self or others and that require supervision.
- (4) Ability to manage his/her own finances and cash resources.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1250, 1501, 1502, 1507, 1530, 1531, 1557.5, Health and Safety Code.

80069.3 MENTAL HEALTH ASSESSMENT**80069.3**

- (a) In order to determine his/her ability to provide the services needed by a client with mental illness, the licensees of adult residential facility shall ensure that a written intake assessment is prepared as required by Health and Safety Code Section 1562.6(a).

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1562.6(a) reads:

1562.6(a) The administrator of an adult residential care facility that provides services for residents who have mental illness shall ensure that a written intake assessment is prepared by a licensed mental health professional prior to acceptance of the client. This assessment may be provided by a student intern if the work is supervised by a properly licensed mental health professional. Facility administrators may utilize placement agencies, including, but not limited to, county clinics for referrals and assessments.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1507, 1530, 1531, and 1562.6, Health and Safety Code.

80070 CLIENT RECORDS**80070**

- (a) A separate, complete, and current record shall be maintained in the facility for each client.
- (b) Each record shall contain information including but not limited to the following:
 - (1) Name of client.
 - (2) Birthdate.
 - (3) Sex.
 - (4) Date of admission.
 - (5) Names, addresses, and telephone numbers of the authorized representative.
 - (6) A signed copy of the admission agreement specified in Section 80068.
 - (7) Name, address and telephone number of physician and dentist, and other medical and mental health providers, if any.
 - (8) Medical assessment, including ambulatory status, as specified in Section 80069.
 - (9) Record of any illness or injury requiring treatment by a physician or dentist and for which the facility provided assistance to the client in meeting his/her necessary medical and dental needs.
 - (10) Record of current medications, including the name of the prescribing physician, and instructions, if any, regarding control and custody of medications.
 - (11) Functional assessment as specified in Section 80069.2.
 - (12) Mental health assessment specified in Section 80069.3.
 - (13) Date of termination of services.
 - (14) An account of the client's cash resources, personal property, and valuables entrusted as specified in Section 80026.
- (c) All information and records obtained from or regarding clients shall be confidential.
 - (1) The licensee shall be responsible for safeguarding the confidentiality of record contents.
 - (2) Except as specified in (d) below, or as otherwise authorized by law, the licensee and all employees shall not reveal or make available confidential information.

80070 CLIENT RECORDS (Continued)**80070**

- (d) All client records shall be subject to reproduction by the licensing agency upon demand during normal business hours.
- (1) A client's records shall also be open to inspection by the client's authorized representative, if any.
- (e) The information specified in (b)(1)-(b)(14) above shall be updated as necessary to ensure the accuracy of the client's record.
- (f) Original or photographic reproduction of all client records shall be retained for at least three years following termination of service to the client.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1528, and 1531, Health and Safety Code.

80071 REGISTER OF CLIENTS**80071**

- (a) In all licensed facilities, the following shall apply:
- (1) A current register of all clients in the facility shall be maintained; shall be updated as needed; shall be immediately available to licensing staff upon request; and shall contain the following information:
- (A) Client's name and ambulatory status as specified in Section 80070(b)(1) and (8).
- (B) Name, address and telephone number of client's attending physician.
- (C) Authorized representative information as specified in Section 80070(b)(5).
- (2) A current register of all clients in the facility who have a restricted medical condition specified in Section 80092 shall be maintained. The register shall be updated as needed; shall be immediately available to licensing staff upon request; and shall contain at a minimum the following information:
- (A) Client's name
- (B) All restricted health conditions of that client.
- (3) The registers shall be kept in a central location at the facility.
- (A) The registers shall be treated as confidential information pursuant to Section 80070(c).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1507 and 1557.5, Health and Safety Code.

80072 PERSONAL RIGHTS**80072**

- (a) Each client shall have personal rights which include, but are not limited to, the following:
- (1) To be accorded dignity in his/her personal relationships with staff and other persons.
 - (2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs.
 - (3) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including but not limited to: interference with the daily living functions, including eating, sleeping, or toileting; or withholding of shelter, clothing, medication or aids to physical functioning.
 - (4) To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality.

HANDBOOK BEGINS HERE

- (A) Provisions regarding inspection requests are found in Health and Safety Code Section 1538:
1. Any person may request an inspection of any community care facility in accordance with the provisions of this chapter by transmitting to the state department notice of an alleged violation of applicable requirements prescribed by statutes or regulations of this state....
 2. The substance of the complaint shall be provided to the licensee no earlier than at the time of the inspection....

HANDBOOK CONTINUES

80072 PERSONAL RIGHTS (Continued)

80072

HANDBOOK CONTINUES

3. Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a community care facility, the state department shall make a preliminary review and, unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection within 10 days after receiving the complaint. In either event, the complainant shall be promptly informed of the state department's proposed course of action.

HANDBOOK ENDS HERE

- (5) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice.
- (A) Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.
- (6) To leave or depart the facility at any time.
- (A) The licensee shall not be prohibited by this provision from setting curfews or other house rules for the protection of clients.
- (B) This provision shall not apply to minors and other clients for whom a guardian, conservator, or other legal authority has been appointed.
- (7) Not to be locked in any room, building, or facility premises by day or night.
- (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility.
- (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only with the prior approval of the licensing agency.

80072 PERSONAL RIGHTS (Continued)**80072**

- (8) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.
- (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc.
1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.
- (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.
- (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the resident.
- (D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Sections 80020(a) or (b), has been secured.
- (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.
- (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a resident's hands or feet.
1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.

80072 PERSONAL RIGHTS (Continued)

80072

- (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.
- (9) To receive or reject medical care, or health-related services, except for minors and other clients for whom a guardian, conservator, or other legal authority has been appointed.
- (10) To be informed of the facility's policy concerning family visits and other communication with clients, as specified in Health and Safety Code Section 1512.
- (b) All clients, or their authorized representative(s), shall be personally advised of and given at admission a copy of the rights specified in (a) (1) through (10) above and in the applicable Personal Rights sections of Chapters 2 through 7.
- (c) The information specified in (b) above including the visiting policy as stated in the admissions agreement shall be prominently posted in areas accessible to clients and their visitors.

80072 PERSONAL RIGHTS (Continued)**80072**

- (d) The licensee shall ensure that each client is accorded the personal rights as specified in this section and the applicable sections of Chapters 2 through 7.

HANDBOOK BEGINS HERE

- (A) Section 1512 of the Health and Safety Code provides that:

The policy shall be designed to encourage regular family involvement with the client and shall provide ample opportunities for family participation in activities at the facility.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

80073 TELEPHONES**80073**

- (a) All facilities shall have telephone service on the premises.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528, 1531 and 1539, Health and Safety Code.

80074 TRANSPORTATION**80074**

- (a) Only drivers licensed for the type of vehicle operated shall be permitted to transport clients.
- (b) The manufacturer's rated seating capacity of the vehicles shall not be exceeded.
- (c) Motor vehicles used to transport clients shall be maintained in a safe operating condition.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528 and 1531, Health and Safety Code.

80075 HEALTH-RELATED SERVICES

80075

HANDBOOK BEGINS HERE

This section does not apply to child care centers. For regulations governing health-related services in child care centers, see Chapter 2, Section 81075.

HANDBOOK ENDS HERE

- (a) The licensee shall ensure that:
- (1) Each client receives necessary first aid and other needed medical or dental services.
 - (A) This shall include arrangement for and/or provision of transportation to the nearest available facility that can provide the needed medical or dental services.
 - (2) Clients are assisted as needed with self-administration of prescription and nonprescription medications.
 - (A) Facility staff, except those authorized by law, shall not administer injections but staff designated by the licensee shall be authorized to assist clients with self-administration of injections as needed.
 - (B) Assistance with self-administration does not include forcing a client to take medications, hiding or camouflaging medications in other substances without the client's knowledge and consent, or otherwise infringing upon a client's right to refuse to take a medication.
- (b) If the client's physician has stated in writing that the client is able to determine and communicate his/her need for a prescription or nonprescription PRN medication, facility staff shall be permitted to assist the client with self-administration of their PRN medication.
- (c) If the client's physician has stated in writing that the client is unable to determine his/her own need for nonprescription PRN medication, but can communicate his/her symptoms clearly, facility staff designated by the licensee shall be permitted to assist the client with self-administration, providing all of the following requirements are met:
- (1) There is a written direction from a physician, on a prescription blank, specifying the name of the client, the name of the medication, all of the information specified in Section 80075(e), instructions regarding a time or circumstance (if any) when it should be discontinued, and an indication of when the physician should be contacted for a medication reevaluation.

80075 HEALTH-RELATED SERVICES
(Continued)**80075**

- (2) Once ordered by the physician the medication is given according to the physician's directions.
- (3) A record of each dose is maintained in the client's record. The record shall include the date and time the PRN medication was taken, the dosage taken, and the client's response.
- (d) If the client is unable to determine his/her own need for a prescription or nonprescription PRN medication, and is unable to communicate his/her symptoms clearly, facility staff designated by the licensee, shall be permitted to assist the client with self-administration, provided all of the following requirements are met:
 - (1) Facility staff shall contact the client's physician prior to each dose, describe the client's symptoms, and receive direction to assist the client in self-administration of that dose of medication.
 - (2) The date and time of each contact with the physician, and the physician's directions, shall be documented and maintained in the client's facility record.
 - (3) The date and time the PRN medication was taken, the dosage taken, and the client's response, shall be documented and maintained in the client's facility record.
- (e) For every prescription and nonprescription PRN medication for which the licensee provides assistance, there shall be a signed, dated written order from a physician on a prescription blank, maintained in the client's file, and a label on the medication. Both the physician's order and the label shall contain at least all of the following information:
 - (1) The specific symptoms which indicate the need for the use of the medication.
 - (2) The exact dosage.
 - (3) The minimum number of hours between doses.
 - (4) The maximum number of doses allowed in each 24-hour period.
- (f) The isolation room or area specified in Section 80087(d) shall be used where separation from others is required.

80075 HEALTH-RELATED SERVICES
(Continued)**80075**

- (g) There shall be privacy for first aid treatment of minor injuries and for examination or treatment by a physician if required.
- (h) Staff responsible for providing direct care and supervision shall receive training in first aid from persons qualified by agencies including but not limited to the American Red Cross.
- (i) If the facility has no medical unit on the grounds, first aid supplies shall be maintained and be readily available in a central location in the facility.
 - (1) The supplies shall include at least the following:
 - (A) A current edition of a first aid manual approved by the American Red Cross, the American Medical Association or a state or federal health agency.

80075 HEALTH-RELATED SERVICES (Continued)**80075**

- (B) Sterile first aid dressings.
 - (C) Bandages or roller bandages.
 - (D) Adhesive tape.
 - (E) Scissors.
 - (F) Tweezers.
 - (G) Thermometers.
 - (H) Antiseptic solution.
- (j) There shall be at least one person capable of and responsible for communicating with emergency personnel in the facility at all times. The following information shall be readily available:
- (1) The name, address and telephone number of each client's physician and dentist, and other medical and mental health providers, if any.
 - (2) The name, address and telephone number of each emergency agency, including but not limited to the fire department, crisis center or paramedical unit. There shall be at least one medical resource available to be called at all times.
 - (3) The name and telephone number of an ambulance service.

HANDBOOK BEGINS HERE

- (4) It is recommended that the licensee obtain consent forms to permit the authorization of medical care.

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- (k) When a client requires prosthetic devices, or vision or hearing aids, the staff shall be familiar with the use of these devices and aids and shall assist the client with their utilization as needed.

80075 HEALTH-RELATED SERVICES (Continued)**80075**

- (l) Medications shall be centrally stored under the following circumstances:
- (1) Preservation of the medication requires refrigeration.
 - (2) Any medication determined by the physician to be hazardous if kept in the personal possession of the client for whom it was prescribed.
 - (3) Because of physical arrangements and the condition or the habits of persons in the facility, the medications are determined by either the administrator or by the licensing agency to be a safety hazard.
- (m) The following requirements shall apply to medications which are centrally stored:
- (1) Medication shall be kept in a safe and locked place that is not accessible to persons other than employees responsible for the supervision of the centrally stored medication.
 - (2) Each container shall identify the items specified in (7)(A) through (G) below.
 - (3) All medications shall be labeled and maintained in compliance with label instructions and state and federal laws.
 - (4) No person other than the dispensing pharmacist shall alter a prescription label.
 - (5) Each client's medication shall be stored in its originally received container.
 - (6) No medications shall be transferred between containers.
 - (7) The licensee shall ensure the maintenance, for each client, of a record of centrally stored prescription medications which is retained for at least one year and includes the following:
 - (A) The name of the client for whom prescribed.
 - (B) The name of the prescribing physician.

80075 HEALTH-RELATED SERVICES (Continued)**80075**

- (C) The drug name, strength and quantity.
 - (D) The date filled.
 - (E) The prescription number and the name of the issuing pharmacy.
 - (F) Expiration date.
 - (G) Number of refills.
 - (H) Instructions, if any, regarding control and custody of the medication.
- (n) Prescription medications which are not taken with the client upon termination of services, or which are not to be retained shall be destroyed by the facility administrator, or a designated substitute, and one other adult who is not a client.
- (1) Both shall sign a record, to be retained for at least one year, which lists the following:
- (A) Name of the client.
 - (B) The prescription number and the name of the pharmacy.
 - (C) The drug name, strength and quantity destroyed.
 - (D) The date of destruction.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507 and 1531, Health and Safety Code.

80076 FOOD SERVICE**80076**

- (a) In facilities providing meals to clients, the following shall apply:
- (1) All food shall be safe and of the quality and in the quantity necessary to meet the needs of the clients. Each meal shall meet at least 1/3 of the servings recommended in the USDA Basic Food Group Plan - Daily Food Guide for the age group served. All food shall be selected, stored, prepared and served in a safe and healthful manner.

80076 FOOD SERVICE (Continued)

80076

HANDBOOK BEGINS HERE

(A) USDA BASIC FOOD GROUP PLAN DAILY FOOD GUIDE

FOODS TO INCLUDE DAILY	SERVING SIZE	RECOMMENDED NUMBER OF SERVINGS FOR EACH AGE GROUP					
		PRE- SCHOOL CHILD	SCHOOL- AGE CHILD	TEEN- AGER	ADULT	PREG- NANT NURSING	OLDER ADULT
MILK & MILK PRODUCTS							
milk	8 oz.						
yogurt	8 oz.						
cheese	2 oz.	2	2-3	3-4	2	3 or more	2
cottage	1&1/2 C			or more			
ice cream	2 C						
tofu	8 oz.						
MEAT & ALTERNATES							
beef, pork, lamb, fowl, fish	3 oz.						
small serv.	1&1/2 oz.						
Alternates for meat	eq. to	2 sm	1-2	2-3	2	2 or more	2
	2-3 oz.			or more			
beans, peas and lentils	1-1&1/2 C						
peanut butter	4-6 Tbsp.						
eggs	2-3						
cheese	2-3 oz.						
cottage	1/2-3/4 C						
canned fish	1/2-3/4 C						
nuts	2/3-1 C						
tofu	6-9 oz.						
wheat germ	1/2-3/4 C						
sunflower, pumpkin, & sesame seeds	1/2-3/4 C						
DEEP GREEN AND/OR YELLOW VEGETABLES							
small serving	1/2 C		1	1 or more	1	1 or more	1
	1/4-1/3 C	1 sm					

HANDBOOK CONTINUES

80076 FOOD SERVICE (Continued)

80076

HANDBOOK CONTINUES

(A) USDA BASIC FOOD GROUP PLAN DAILY FOOD GUIDE

FOODS TO INCLUDE DAILY	SERVING SIZE	RECOMMENDED NUMBER OF SERVINGS FOR EACH AGE GROUP					
		PRE- SCHOOL CHILD	SCHOOL- AGE CHILD	TEEN- AGER	ADULT	PREG- NANT NURSING	OLDER ADULT
OTHER VEGETABLES, JUICES AND FRUITS small serving	1/2 C 1/4-1/3 C	2 sm	2	2 or more	2	2 or more	2
HIGH VITAMIN C FRUITS AND/OR JUICES, sm serv.	1/2 C 1/4-1/3 C	1 sm	1	1 or more	1	1 or more	1
MILK & MILK PRODUCTS							
milk	8 oz						
yogurt	8 oz						
cheese	2 oz	2	2-3	3-4	2	3 or more	2
cottage	1&1/2 C			or more			
ice cream	2 C						
tofu	8 oz						
MEAT & ALTERNATES							
beef, pork, lamb, fowl, fish small serv.	3 oz 1&1/2 oz.						
Alternates for meat	eq. to	2 sm	1-2	2-3	2	2 or more	2
	2-3 oz.			or more			
beans, peas and lentils	1-1&1/2 C						
peanut butter	4-6 Tbsp.						
eggs	2-3						
cheese	2-3 oz.						
cottage	1/2-3/4 C						
canned fish	1/2-3/4 C						
nuts	2/3-1 C						
tofu	6-9 oz.						
wheat germ	1/2-3/4 C						
sunflower, pumpkin, & sesame seeds	1/2-3/4 C						

HANDBOOK CONTINUES

80076 FOOD SERVICE (Continued)

80076

HANDBOOK CONTINUES

FOODS TO INCLUDE DAILY	SERVING SIZE	RECOMMENDED NUMBER OF SERVINGS FOR EACH AGE GROUP					
		PRE- SCHOOL CHILD	SCHOOL- AGE CHILD	TEEN- AGER	ADULT	PREG- NANT NURSING	OLDER ADULT
DEEP GREEN AND/OR YELLOW VEGETABLES small serving	1/2 C 1/4-1/3 C	1 sm	1	1 or more	1	1 or more	1
OTHER VEGETABLES, JUICES AND FRUITS small serving	1/2 C 1/4-1/3 C	2 sm	2	2 or more	2	2 or more	2
HIGH VITAMIN C FRUITS AND/OR JUICES, sm serv.	1/2 C 1/4-1/3 C	1 sm	1	1 or more	1	1 or more	1
BREADS & CEREALS (whole gr. or enriched) bread	1 slice						
dry cereal	3/4 C						
cooked cereal, rice, noodles	1/2 C						
crackers	4	4 sm	3-4	4 or more	4	4 or more	3-4
tortilla	1 med						
small serv = 1/2 of the serv sizes for breads & cereals							
OTHER FOODS: inc. fats, sweets, desserts, etc.			AS APPROPRIATE TO ENERGY NEEDS				
FLUIDS: inc. water			AS APPROPRIATE TO NEEDS				
MISCELLANEOUS: iodized salt, fiber, vitamin supplement, etc.			AS APPROPRIATE TO NEEDS				

*Count cheese as one serving of milk or meat, not both. Adapted from the OREGON DIET MANUAL, fifth edition, 1975, State of Oregon Department Human Resources.

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80076 FOOD SERVICE (Continued)**80076**

- (2) Where all food is provided by the facility, arrangements shall be made so that each client has available at least three meals per day.
 - (A) Not more than 15 hours shall elapse between the third meal of one day and first meal of the following day.
- (3) Where meal service within a facility is elective, arrangements shall be made to ensure availability of a daily food intake meeting the requirement of (a) (1) above for all clients who, in their admission agreement, elect meal service.
- (4) Between meal nourishment or snacks shall be available for all clients unless limited by dietary restrictions prescribed by a physician.
- (5) Menus shall be written at least one week in advance and copies of the menus as served shall be dated and kept on file for at least 30 days. Menus shall be made available for review by the clients or their authorized representatives and the licensing agency upon request.
- (6) Modified diets prescribed by a client's physician as a medical necessity shall be provided.
 - (A) The licensee shall obtain and follow instructions from the physician or dietitian on the preparation of the modified diet.
- (7) Commercial foods shall be approved by appropriate federal, state and local authorities. All foods shall be selected, transported, stored, prepared and served so as to be free from contamination and spoilage and shall be fit for human consumption. Food in damaged containers shall not be accepted, used or retained.
- (8) Where indicated, food shall be cut, chopped or ground to meet individual needs.
- (9) Powdered milk shall not be used as a beverage but shall be allowed in cooking and baking. Raw milk, as defined in Division 15 of the California Food and Agricultural Code shall not be used. Milk shall be pasteurized.
- (10) Except upon written approval by the licensing agency, meat, poultry and meat food products shall be inspected by state or federal authorities. Written evidence of such inspection shall be available for all products not obtained from commercial markets.

80076 FOOD SERVICE (Continued)**80076**

- (11) All home canned foods shall be processed in accordance with standards of the University of California Agricultural Extension Service. Home canned foods from outside sources shall not be used.
- (12) If food is prepared off the facility premises, the following shall apply:
 - (A) The preparation source shall meet all applicable requirements for commercial food services.
 - (B) The facility shall have the equipment and staff necessary to receive and serve the food and for cleanup.
 - (C) The facility shall maintain the equipment necessary for in-house preparation, or have an alternate source for food preparation, and service of food in emergencies.
- (13) All persons engaged in food preparation and service shall observe personal hygiene and food services sanitation practices which protect the food from contamination.
- (14) All foods or beverages capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxications shall be stored in covered containers at 45 degrees F (7.2 degrees C) or less.
- (15) Pesticides and other similar toxic substances shall not be stored in food storerooms, kitchen areas, food preparation areas, or areas where kitchen equipment or utensils are stored.
- (16) Soaps, detergents, cleaning compounds or similar substances shall be stored in areas separate from food supplies.
- (17) All kitchen, food preparation, and storage areas shall be kept clean, free of litter and rubbish, and measures shall be taken to keep all such areas free of rodents, and other vermin.
- (18) All food shall be protected against contamination. Contaminated food shall be discarded immediately.
- (19) All equipment, fixed or mobile, dishes, and utensils shall be kept clean and maintained in safe condition.

80076 FOOD SERVICE (Continued)**80076**

- (20) All dishes and utensils used for eating and drinking and in the preparation of food and drink, shall be cleaned and sanitized after each usage.
 - (A) Dishwashing machines shall reach a temperature of 165 degrees F (74 degrees C) during the washing and/or drying cycle to ensure that dishes and utensils are cleaned and sanitized.
 - (B) Facilities not using dishwashing machines shall clean and sanitize dishes and utensils by an alternative comparable method.
- (21) Equipment necessary for the storage, preparation and service of food shall be provided, and shall be well-maintained.
- (22) Tableware and tables, dishes, and utensils shall be provided in the quantity necessary to serve the clients.
- (23) Adaptive devices shall be provided for self-help in eating as needed by clients.
- (b) The licensing agency shall have the authority to require the facility to provide written information, including menus, regarding the food purchased and used over a given period when it is necessary to determine if the licensee is in compliance with the food service requirements in the regulations in this Division.
 - (1) The licensing agency shall specify in writing the written information required from the licensee.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1528, 1530, 1530.5 and 1531, Health and Safety Code.

80077 PERSONAL SERVICES (RESERVED)**80077**

80077.2 CARE FOR CLIENTS WHO RELY UPON OTHERS TO PERFORM ALL ACTIVITIES OF DAILY LIVING**80077.2**

- (a) This section applies only to licensees of adult day care facilities and adult day support centers.
- (b) Licensees may request an exception to accept or retain a client who relies upon others to perform all activities of daily living for them. The request shall be submitted and approved prior to accepting the client into care. The request shall include the following:
 - (1) A needs and services plan, as specified in Section 80068.2, which meets all requirements for acceptance and retention of clients who have a prohibited/restricted health condition(s).
 - (2) In addition to all other requirements, the needs and services plan for this specific client shall include the following:
 - (A) A plan to monitor the client's skin condition, including:
 - 1. Specific guidelines for turning the client (time, method, acceptable positions).
 - 2. Skin breakdown.
 - 3. Objective symptoms, observable by a lay person, indicating when a licensed professional must be contacted.
 - (B) A method for feeding the client and providing him/her with hydration.
 - (C) A method for determining the client's needs.
 - (D) A method for communicating with the client.
 - (E) A list of emergency contacts and a list of readily observable conditions which indicate when emergency intervention is necessary.
 - (F) A list of persons to contact in the event of non-emergency client distress or discomfort and a list of readily observable conditions which indicate when the licensee is to contact those persons.
 - (G) A description of how all requirements for the exception will be satisfied.

**80077.2 CARE FOR CLIENTS WHO RELY UPON OTHERS TO PERFORM
ALL ACTIVITIES OF DAILY LIVING (Continued)****80077.2**

- (H) A description of the client-specific training that facility staff will receive. The training shall be provided by the client's health care provider (physician or nurse) and, as necessary, the client's physical or mental health therapist, social worker, and placement worker in the following areas:
 - 1. client needs.
 - 2. objective symptoms indicating when the licensee is to contact health care and other assistance.
- (3) The licensee's agreement that the client will be evaluated on a daily basis either by a health care professional or the client's family or authorized representative under the following conditions:
 - (A) Agreement by either the client's family or authorized representative that the client's condition will be evaluated daily.
 - (B) Evaluation may occur either at the facility or outside the facility and must be documented and maintained in the client's facility record.
- (4) Written consent from the client, client's family or authorized representative, and the client's placement agency, if any, to the client's care in the facility as well as written agreement to comply and cooperate with all requirements of these regulations. This consent must include a statement that all of these parties understand that the facility provides only non-medical care and supervision.
- (5) The licensee's agreement to maintain a daily record of the client's condition and all care needed by and provided to the client. This documentation must be retained in the client's record in the facility and be readily available for review by the client's care providers and the Department.
- (c) The Department may require any additional information it considers necessary for consideration of the exception request.
- (d) If the client has one or more of the restricted health conditions specified in Section 80092, the licensee shall also comply with all requirements of Article 8.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, and 1530, Health and Safety Code.

**80077.3 CARE FOR CLIENTS WHO LACK HAZARD AWARENESS
OR IMPULSE CONTROL****80077.3**

- (a) If the client requires protective supervision because of running/wandering away, supervision may be enhanced by fencing yards, using self-closing latches and gates, and installing operational bell/buzzers or other auditory devices on exterior doors to alert staff when the door is opened. Such fencing and devices may not substitute for appropriate staffing.
- (1) The licensee of an adult residential facility may use a delayed egress device if the client lacks hazard awareness or impulse control only as specified in Health and Safety Code Section 1531.1 and as long as the facility complies with Residential Care Facility for the Elderly regulation Sections 87101(d)(2) and 87724(e).

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Health and Safety Code Section 1531.1 reads in pertinent part:

- (a) A residential facility licensed as an adult residential facility...may install and utilize delayed egress devices of the time delay type.
- (b) As used in this section, “delayed egress device” means a device that precludes the use of exits for a predetermined period of time. These devices shall not delay any resident’s departure from the facility for longer than 30 seconds.
- (c) Within 30 seconds of delay, facility staff may attempt to redirect a resident who attempts to leave the facility.
- (d) Any person accepted by a residential facility...utilizing delayed egress devices shall meet all of the following conditions:
- (1) The person shall have a developmental disability as defined in Section 4512 of the Welfare and Institutions Code.
- (2) The person shall be receiving services and case management from a regional center under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code).
- (3) An interdisciplinary team, through the Individual Program Plan (IPP) process pursuant to Section 4646.5 of the Welfare and Institutions Code, shall have determined that the person lacks hazard awareness or impulse control and requires the level of supervision afforded by a facility equipped with delayed egress devices, and that but for this placement, the person would be at risk of admission to, or would have no option but to remain in, a more restrictive state hospital or state developmental center placement.

HANDBOOK CONTINUES

**80077.3 CARE FOR CLIENTS WHO LACK HAZARD AWARENESS
OR IMPULSE CONTROL (Continued)****80077.3**

HANDBOOK CONTINUES

- (e) The facility shall be subject to all fire and building codes, regulations, and standards applicable to residential care facilities for the elderly utilizing delayed egress devices, and shall receive approval by the county or city fire department, the local fire prevention district, or the State Fire Marshal for the installed delayed egress device.
- (f) The facility shall provide staff training regarding the use and operation of the egress control devices utilized by the facility, protection of residents' personal rights, lack of hazard awareness and impulse control behavior, and emergency evacuation procedures.
- (g) The facility shall develop a plan of operation approved by the State Department of Social Services that includes a description of how the facility is to be equipped with egress control devices that are consistent with regulations adopted by the State Fire Marshal pursuant to Section 13143 of the Health and Safety Code.
- (h) The plan shall include, but shall not be limited to, all of the following:
 - (1) A description of how the facility will provide training for staff regarding the use and operation of the egress control devices utilized by the facility.
 - (2) A description of how the facility will ensure the protection of the residents' personal rights consistent with Sections 4502, 4503, and 4504 of the Welfare and Institutions Code.
 - (3) A description of how the facility will manage the person's lack of hazard awareness and impulse control behavior.
 - (4) A description of the facility's emergency evacuation procedures.
- (i) Delayed egress devices shall not substitute for adequate staff. The capacity of the facility shall not exceed six residents.
- (j) Emergency fire and earthquake drills shall be conducted at least once every three months on each shift, and shall include all facility staff providing resident care and supervision.

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1530, 1531, and 1531.1, Health and Safety Code.

80078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**80078**

- (a) The licensee shall provide care and supervision as necessary to meet the client's needs.
- (b) In any instance where the Department does not suspend the facility license and the licensing agency requires that a client/resident be relocated because the client/resident has a health condition(s) which cannot be cared for within the limits of the license of the facility or which requires inpatient care in a licensed health facility the licensee shall prepare a written relocation plan. The plan shall contain all necessary steps to be taken to reduce stress to the client/resident which may result in transfer trauma.
- (1) The written relocation plan shall include, but not be limited to the following:
- (A) A specific date for beginning and a specific date for completion of the process of safely relocating the client/resident. The time frame for relocation may provide for immediate relocation but shall not exceed 30 days.
 - (B) A specific date when the client/resident and the client's/resident's authorized representative, if any, shall be notified of the need for relocation.
 - (C) A specific date when consultation with the client's/resident's physician shall occur to obtain a current medical assessment of the client's/resident's health needs, to determine the appropriate facility type for relocation and to ensure that the client's/resident's health care needs continue to be met at all times during the relocation process.
 - (D) The method by which the licensee shall participate in the identification of an acceptable relocation site with the client/resident and the authorized representative, if any. The licensee shall advise the client/resident and/or the authorized representative that if the client/resident is to be moved to another nonmedical community care facility, a determination must be made that the client's/resident's needs can be legally met in the new facility before the move is made. If the client's/resident's needs cannot be legally met in the new facility, the client/resident must be moved to a facility licensed to provide the necessary care.

80078

RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION
(Continued)

80078

- (E) A list of contacts made or to be made by the licensee with community resources, including but not limited to, social workers, family members, Long Term Care Ombudsman, clergy and others as appropriate to ensure that services are provided to the client/resident before, during and after the move. The need for the move shall be discussed with the client/resident and the client/resident assured that support systems will remain in place.
 - (F) Measures to be taken until relocation to protect the client/resident and/or meet the client's/resident's health and safety needs.
 - (G) An agreement to notify the licensing agency when the relocation has occurred, including the client's/resident's new address, if known.
- (2) The relocation plan shall be submitted in writing to the licensing agency within the time set forth in the written notice by the licensing agency that the client/resident requires health services that the facility cannot legally provide.
 - (3) Any changes in the relocation plan shall be submitted in writing to the licensing agency. The licensing agency shall have the authority to approve, disapprove or modify the plan.
 - (4) If relocation of more than one (1) client/resident is required, a separate plan shall be prepared and submitted in writing for each client/resident.
 - (5) The licensee shall comply with all terms and conditions of the approved plan. No written or oral contract with any other person shall release the licensee from the responsibility specified in Sections 80078(b) and (c) for relocating a client/resident who has a health condition(s) which cannot be cared for in the facility and/or requires inpatient care in a licensed health facility, nor from taking all necessary actions to reduce stress to the client/resident.

80078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION
(Continued)**80078**

- (6) In cases where the licensing agency determines that the resident is in imminent danger because of a health condition(s) which cannot be cared for in the facility or which requires inpatient care in a licensed health facility, the licensing agency shall have the authority to order the licensee to immediately relocate the resident.
- (c) In all cases when a client or resident must be relocated, the licensee shall not obstruct the relocation process and shall cooperate with the licensing agency in the relocation process. Such cooperation shall include, but not be limited to, the following activities:
- (1) Identifying and preparing for removal of the medications, Medi-Cal or Medicare or other medical insurance documents, clothing, safeguarded cash resources, valuables and other belongings of the client or resident.
 - (2) Contacting the authorized representative of the client/resident to assist in transporting him or her, if necessary.
 - (3) Contacting other suitable facilities for placement, if necessary.
 - (4) Providing access to client's/resident's files when required by the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1511, 1528, 1531 and 1556, Health and Safety Code.

80079 ACTIVITIES (RESERVED)**80079**